

**STATE OF FLORIDA
STATE BOARD OF ADMINISTRATION**

KELLY DELAY,)	
)	
Petitioner,)	
)	
vs.)	Case No. 2015-3233
)	
STATE BOARD OF ADMINISTRATION,)	
)	
Respondent.)	
)	
)	
_____)	

FINAL ORDER- DISMISSAL OF PETITION AS MOOT

On March 9, 2015, the Presiding Officer submitted her Recommended Order of Dismissal as Moot to the State Board of Administration in this proceeding. Petitioner had terminated employment with her Florida Retirement System (“FRS”)-participating employer, had taken a partial account distribution and became employed with another FRS-participating employer less than six (6) months after she retired in violation of Section 121.091(9)(d), Florida Statutes. The SBA had notified Petitioner that her distribution was invalid and had given her the option either of repaying the invalid distribution or terminating employment. At a hearing held on March 5, 2015, Petitioner confirmed that she had terminated employment on February 27, 2015 pursuant to a Release dated February 4, 2015, and that she has agreed not to be employed with any FRS employer until the six (6) month disqualification period provided under Section 121.091(9)(d), Florida Statutes elapses. As such, Petitioner’s matter now is moot. A copy of the Recommended Order of Dismissal as Moot is attached hereto as Exhibit A. The

matter is now pending before the Senior Defined Contribution Programs Officer for final agency action.


ORDERED

The Recommended Order of Dismissal as Moot (Exhibit A) hereby is adopted in its entirety. The case is moot and the Petitioner's Petition for Hearing hereby is dismissed.

Any party to this proceeding has the right to seek judicial review of the Final Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the State Board of Administration in the Office of the General Counsel, State Board of Administration, 1801 Hermitage Boulevard, Suite 100, Tallahassee, Florida, 32308, and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty (30) days from the date the Final Order is filed with the Clerk of the State Board of Administration.

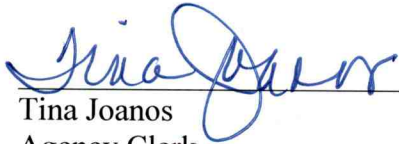
DONE AND ORDERED this 25th day of March 2015, in Tallahassee, Florida.

**STATE OF FLORIDA
STATE BOARD OF ADMINISTRATION**



Joan B. Haseman
Senior Defined Contribution Programs Officer
State Board of Administration
1801 Hermitage Boulevard, Suite 100
Tallahassee, Florida 32308
(850) 488-4406

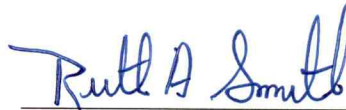
FILED ON THIS DATE PURSUANT TO
SECTION 120.52, FLORIDA STATUTES
WITH THE DESIGNATED CLERK OF THE
STATE BOARD OF ADMINISTRATION,
RECEIPT OF WHICH IS HEREBY
ACKNOWLEDGED.



Tina Joanos
Agency Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order was sent via electronic mail to Kelly Delay, pro se, Kswalker50@gmail.com and by UPS to 405 Spring Ridge Court, St. Augustine, Florida 32092, and by electronic mail to Brian Newman and Brandice Dickson, Esq., at Pennington, Moore, Wilkinson, Bell & Dunbar, P.A., P.O. Box 10095, Tallahassee, Florida 32302-2095, brian@pennington.com and brandi@pennington.com, this 25th day of March, 2015.



Ruth A. Smith
Assistant General Counsel
State Board of Administration of Florida
1801 Hermitage Boulevard
Suite 100
Tallahassee, FL 32308

STATE OF FLORIDA
STATE BOARD OF ADMINISTRATION

KELLY DELAY,

Petitioner,

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CASE NO. 2015-3233

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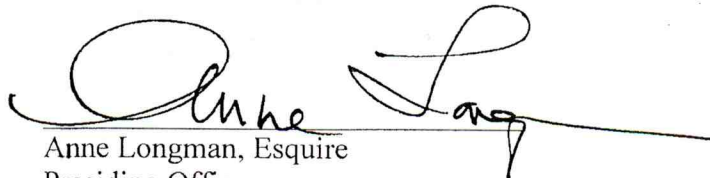
Respondent.

RECOMMENDED ORDER OF DISMISSAL AS MOOT

At hearing on March 5, 2015 Petitioner DeLay confirmed that she had terminated her employment on February 27, 2015 pursuant to a Release entered into and executed by her on February 4, 2015. Under the terms of the Release, she has agreed as well not to be employed with any Florida Retirement System (FRS) employer until the six month disqualification period elapses.

Therefore, it appearing that this matter is now moot, I recommend that the case be dismissed.

DONE AND ORDERED at Tallahassee, Leon County, Florida, and this 9th day of March, 2015.



Anne Longman, Esquire
Presiding Officer
For the State Board of Administration
Lewis, Longman & Walker, P.A.
315 South Calhoun Street, Suite 830
Tallahassee, FL 32301-1872

alongman@llw-law.com

Filed via electronic delivery with:

Agency Clerk

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Florida State Board of Administration

1801 Hermitage Boulevard, Suite 100

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COPIES FURNISHED via mail and electronic mail to:

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Petitioner

and via electronic mail only to:

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Counsel for Respondent